

**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**CITY OF MEMPHIS**

**February 5, 2008**

**3:30 P.M. SCHEDULED SESSION**

**3:35 P.M. MEETING COMMENCED**

**ROLL CALL:** William Boyd, Joe Brown, Harold Collins, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Reid Hedgepeth, Myron Lowery, Bill Morrison, Jim Strickland, Barbara Swearengen Ware and Chairman Scott McCormick

**THE MEETING WAS CALLED TO ORDER  
BY SERGEANT-AT-ARMS**

**INVOCATION**

The meeting was opened with prayer by Minister Charles Truesdale from Christ United Missionary Baptist Church. Councilwoman Fullilove presented Minister Truesdale with a certificate naming him Chaplain of the day.

**These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.**

**27. RESOLUTION HONORING MEGAN ADAMS FOR "OUTSTANDING COMMUNITY SERVICE".**

MOTION: Morrison  
SECOND: Collins

**APPROVED**, by unanimous voice vote

**MINUTES**

Approval of the Minutes of the regular meeting of January 22, 2008 with the following motion:

Councilwoman Ware stated that Item #15 reappointment of City Attorney, Elbert Jefferson, Jr., indicates that the following person from the audience was recognized. But it does not say that the person spoke in opposition, it simply says that the person was recognized.

Councilwoman Ware also stated that Item #20 is very similar. It says the Chairman recognized the following person from the audience. This person was not only recognized, but she spoke. I think in order to have correct indication of what took place, it needs to say that she was not recognized, but she spoke.

MOTION: Ware  
SECOND: Collins  
AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick  
Brown did not cast a vote

**APPROVED**

**CONSENT AGENDA – Items 1, 2 & 4 may be acted upon by one motion:**  
**SEE PAGE 2412 FOR ROLL CALL**

1. **ORDINANCE REZONING THE SOUTHWEST CORNER OF NEW ALLEN ROAD AND HAWKINS MILL ROAD, CONTAINING 198.4 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S6) & MULTIPLE DWELLING RESIDENTIAL (R-ML) DISTRICT, UP FOR F I R S T READING.**

Ordinance No. 5252  
Case No. Z 07-119

**APPROVED**, on First reading

2. **NOTATIONS FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

- A. Case No. PD 07-327cc – St. Elisabeth's P.D.
- B. Case No. SUP 07-209cc

Public Hearing set for February 19, 2008

4. **RESOLUTION HONORING THE LIFE OF MEMPHIS POLICE LIEUTENANT ED VIDULICH.**

**APPROVED**

**ROLL CALL CONSENT ITEMS**

MOTION: Halbert

SECOND: Fullilove  
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedepeth, Lowery,  
Morrison, Strickland, Ware and Chairman McCormick

**APPROVED**, with the exception of Item #3, which was pulled from the Consent Agenda and moved to the Regular Agenda

**The following item was pulled from the Consent Agenda and moved to the Regular Agenda. A manual roll call was taken for this vote**

**3. RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE ON CARNES AVENUE, IN HONOR OF CHARLES L. HARRISON, SR.**

MOTION: Halbert  
SECOND: Ware  
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedepeth, Lowery,  
Morrison, Strickland, Ware and Chairman McCormick

**APPROVED**

**MLGW FISCAL CONSENT – Items 5-7 and 10-13 may be acted upon by one motion:**

**5. RESOLUTION AWARDDING CONTRACT NO. 11261, COMMERCIAL AUTO INSURANCE, TO PETE MITCHELL AND ASSOCIATES, INC. IN THE FUNDED AMOUNT OF \$87,609.00.**

**APPROVED**

**6. RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 10814, ONLINE LEGAL SERVICES, WITH LEXIS NEXIS IN AN ESTIMATED FUNDED AMOUNT OF \$206,670.00. (THIS RENEWS THE CONTRACT FOR A THREE-YEAR PERIOD, DECEMBER 1, 2007 THROUGH NOVEMBER 30, 2010, IN THE AMOUNT OF \$190,332.00 AND COVERS COST OF SERVICES IN THE AMOUNT OF \$16,338.00.)**

**APPROVED**

**7. RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11028, SECURITY SERVICES, WITH CDA, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$3,308,717.20. (THIS RENEWS THE CONTRACT FOR THE THIRD RENEWAL TERM, APRIL 1, 2008 TO MARCH 31, 2009, AND COVERS ADDITIONAL MANPOWER EXPENSES.)**

**APPROVED**

8. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11217, TEMPORARY SERVICES, WITH MANPOWER, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$230,000.00. (THIS RENEWS THE CONTRACT FOR THE SECOND TERM, JANUARY 1, 2008 THROUGH DECEMBER 31, 2008, WITH NO INCREASE IN RATES, TO PROVIDE SHORT-TERM TEMPORARY ASSIGNMENTS OF IDENTIFIED SKILLS FOR CLERICAL POSITIONS.)**

Back to Committee on February 19, 2008

9. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11220, TEMPORARY SERVICES, WITH KELLY SERVICES, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$595,000.00. (THIS RENEWS THE CONTRACT FOR THE SECOND TERM, JANUARY 1, 2008 THROUGH DECEMBER 31, 2008, WITH NO INCREASE IN RATES, TO PROVIDE SHORT-TERM TEMPORARY ASSIGNMENTS OF IDENTIFIED SKILLS FOR GENERAL LABORER POSITIONS.)**

Back to Committee on February 19, 2008

10. **RESOLUTION AWARDDING 12-MONTH CONTRACT FOR CONCRETE STANDARDS AND BRACKETS, AS FOLLOWS:**

StressCrete c/o Curtis H. Stout of Tennessee.....	\$1,078,910.00
Southern Sales and Services Co., Inc. c/o SkyCast.....	<u>1,126,082.30</u>
Total.....	\$2,204,992.30

**APPROVED**

11. **RESOLUTION AMENDING PURCHASE ORDER NO. 129872 WITH STUART C. IRBY FOR ACSR WIRE IN THE AMOUNT OF \$73,219.61, FOR A TOTAL APPROVED AMOUNT OF \$485,219.61.**

**APPROVED**

12. **RESOLUTION AWARDDING 12-MONTH CONTRACT FOR #2 TRIPLEX CABLE TO UTILICOR IN THE AMOUNT OF \$130,000.00.**

**APPROVED**

13. **RESOLUTION AMENDING PURCHASE ORDER NO. 123325 WITH AMERICAN ELECTRIC LIGHTING FOR LUMINARIES IN THE AMOUNT OF \$155,267.96, FOR A TOTAL APPROVED AMOUNT OF \$2,874,053.40.**

**APPROVED**

14. **RESOLUTION APPROVING A NEW RATE SCHEDULE FOR THE LAW FIRM OF MILLER, BALIS & O'NEIL, P.C. EFFECTIVE JANUARY 1, 2008.**

Back to Committee on February 19, 2008

15. **RESOLUTION EMPLOYING THE LAW FIRM OF BASS, BERRY & SIMS ON AN AS-NEEDED BASIS AT AGREED UPON HOURLY RATES, RETROACTIVE TO JANUARY 1, 2005.**

Back to Committee on February 19, 2008

**MLGW ROLL CALL CONSENT ITEMS**

MOTION: Halbert  
SECOND: Morrison  
AYES: Boyd, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison,  
Strickland, Ware and Chairman McCormick  
Collins recused  
Brown did not cast a vote

**APPROVED**, with the exception of Items 8, 9, 14 & 15, which will go back to Committee on February 19, 2008

16. **APPOINTMENTS**

**Memphis and Shelby County Film Commission**

Reappointments

Herbert S. O'Mell  
Pat Kerr Tigrett  
Blanchard E. Tual

**Memphis and Shelby County Land Use Control Board**

Appointments

Mary W. Sharp  
Mark Yates

MOTION: Flinn  
SECOND: Ford  
AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison,  
Strickland, Ware and Chairman McCormick  
Brown did not cast a vote

**APPROVED**

17. **ORDINANCE AMENDING CHAPTER 21, ARTICLE VI, SECTION 237 OF THE CODE OF ORDINANCES TO PROHIBIT MINORS SOLICITING FROM RIGHT OF WAYS, UP FOR T H I R D AND F I N A L READING.** (Held from 1/8; 1/22)

Ordinance No. 5248

Held until February 19, 2008

18. **RESOLUTION APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$6,500.00 FROM THE STATE OF TENNESSEE COMMUNITY ENHANCEMENT PROGRAM TO PURCHASE A PORTABLE AND ADVANCED PATIENT SIMULATOR FOR THE DIVISION OF FIRE SERVICES TO BE USED IN TEAM TRAINING FOR A TOTAL APPROPRIATION OF \$6,500.00.**

MOTION: Hedgepeth

SECOND: Morrison

AYES: Boyd, Collins, Flinn, Ford, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick  
Brown and Fullilove did not cast a vote

**APPROVED**

19. **RESOLUTION APPROPRIATING \$300,000.00 IN GS01003, CITY-WIDE ENERGY MODIFICATION FOR THE INSTALLATION OF ENERGY SAVING MONITORS AND CONTROLS TO VARIOUS CITY FACILITIES.**

MOTION: Morrison

SECOND: Ford

AYES: Boyd, Collins, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick  
Brown, Flinn and Ford did not cast a vote

**APPROVED**

20. **RESOLUTION AMENDING THE FY 2008 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$394,740.00 FUNDED BY G.O. BONDS FROM SCHOOL SAFETY IMPROVEMENTS, PROJECT NUMBER PW04043 TO SCHOOL SAFETY IMPROVEMENTS GROUP IV, PROJECT NUMBER PW04064 TO INSTALL SIDEWALKS IN SCHOOL AREAS AND FOR A CONSTRUCTION CONTRACT WITH GCM, INC.**

MOTION: Morrison

SECOND: Halbert

AYES: Boyd, Brown, Collins, Flinn, Ford, Halbert, Lowery, Morrison, Strickland, Ware and Chairman McCormick

NAYS: Hedgepeth  
Fullilove did not cast a vote

**APPROVED**

21. **RESOLUTION AMENDING THE FY 2008 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$236,412.00 FUNDED BY G.O. BONDS (STORM WATER) FROM DRAINAGE-ST, PROJECT NUMBER ST03006 TO FORT PICKERING DRAINAGE BASIN, PROJECT NUMBER ST03107, FOR THE REHABILITATION OF CULVERTS AND FOR A CONSTRUCTION CONTRACT WITH MOORE CONSTRUCTION COMPANY, INC.**

MOTION: Morrison

SECOND: Brown

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

**APPROVED**

22. **RESOLUTION AMENDING THE FY 2008 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$129,501.00 FUNDED BY SEWER FUNDS FROM REHAB EXISTING SEWERS, PROJECT NUMBER SW02001 TO MAXSON PLANT SEWER LINE REPAIR, PROJECT NUMBER SW02075 AND FOR A CONSTRUCTION CONTRACT WITH MADDEN PHILLIPS CONSTRUCTION INC.**

MOTION: Morrison

SECOND: Brown

AYES: Boyd, Brown, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick  
Collins did not cast a vote

**APPROVED**

23. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE SOUTHWEST CORNER OF BUTLER AVENUE AND S. FRONT STREET, CONTAINING 0.21 ACRE IN THE SOUTH MAIN (SMD) DISTRICT.**

Case No. SUP 07-220

Applicant: Jeffrey S. Warren, M.D.  
Rossie, Luckett, Pinstein & Riddler, P.C. & ETI Corporation –  
Representatives

Request: An art gallery and vintage automobile storage facility

LUCB and OPD recommendation: APPROVAL, with conditions

**No Opposition at LUCB; No Public Hearing Required**

MOTION: McCormick – Amend the resolution to say vintage cars as defined by Hemmings standards for vintage cars

MAIN MOTION: Lowery

SECOND: Fullilove

AYES: Brown, Flinn, Ford, Halbert, Lowery, Morrison, Strickland, Ware and Chairman McCormick  
Hedgepeth recused  
Boyd, Collins and Fullilove did not cast a vote

**APPROVED**, as amended

24. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTHWEST AND SOUTHWEST CORNERS OF NATIONAL STREET AND FAXON AVENUE, CONTAINING 4.9 ACRES IN THE DUPLEX RESIDENTIAL (R-D) DISTRICT.**

Case No. SUP 07-225

Applicant: Collegiate School of Memphis, Inc.

Request: Private school (Grades 7-12)

LUCB and OPD recommendation: APPROVAL

**No Opposition at LUCB; No Public Hearing Required**

MOTION: Lowery

SECOND: Strickland

AYES: Collins, Flinn, Ford, Halbert, Lowery, Morrison, Strickland, Ware and Chairman McCormick  
Boyd, Brown, Fullilove and Hedgepeth did not cast a vote

**APPROVED**, as amended in Committee

25. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE SOUTHEAST CORNER OF MALLORY AVENUE AND ORLEANS STREET, CONTAINING 14,000 SQ. FT. (0.32 ACRE), IN THE DUPLEX RESIDENTIAL (R-D) DISTRICT.**

Case No. UV 07-11

Applicant: Brenda Blanton (in stead of Memphis Investment Properties)  
Jim Reedy – Representative

Request: Day Care Center

ACTION REQUESTED: Take whatever action Council deems advisable



LUCB and OPD recommendation: APPROVAL

**No Opposition at LUCB; No Public Hearing Required**

MOTION: Lowery

SECOND: Ford

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

**APPROVED**, as amended in Committee

Item #26 had already been called and was being discussed by Council. Due to the severe storm, the Chairman announced that we would take a 30 minute recess. We left the Council Chambers at 5:25 p.m. and returned to the Council Chambers at 5:55 p.m. Lisa Geater called us back to order. The Comptroller called the roll a second time. The following Council Members answered the roll call:

Collins, Flinn, Ford, Fullilove, Halbert Hedgepeth, Lowery, Morrison, Ware and Chairman McCormick

The Council meeting continued with Item #26

26. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHWEST CORNER OF JAMES ROAD AND WARFORD ROAD, CONTAINING .94 ACRE IN THE SINGLE-FAMILY RESIDENTIAL (R-S10) DISTRICT.** (Held from 01/08).

Case No. PD 07-324

Applicant: Edward Lindsey  
Frank Palumbo – Representative

Request: A two-lot commercial planned development

LUCB and OPD recommendation: REJECTION

MOTION: Morrison

SECOND: Lowery

AYES: Boyd and Morrison

NAYS: Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Strickland, Ware and Chairman McCormick  
Brown did not cast a vote

**FAILED**

**INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:**

Walter Broady, 4256 Ledbetter Cv., Mphs, TN 38109

**ADJOURNED MEETING AT 6:30 P.M.**

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Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

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C H A I R M A N

Attest:

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Deputy Comptroller/Council Records